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ASCS BACKGROUND INFORMATION



United States Department
of Agriculture

Agricultural Stabilization and
Conservation Service

BI No. 12

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WATER BANK PROGRAM

PROGRAM OBJECTIVES

The Water Bank Program is designed to:

1. preserve and improve habitat for important nesting and breeding areas of migratory waterfowl, and for other wildlife resources;
2. preserve and improve wetlands, and conserve surface waters;
3. reduce runoff, soil, water, and wind erosion, and stream sedimentation;
4. contribute to flood control, better water quality, and improve subsurface moisture;
5. reduce acres of new land coming into production and retire lands now in agricultural production to accomplish the purposes of the Water Bank Program;
6. enhance the natural beauty of the landscape, and
7. promote comprehensive and total water management planning.

LEGISLATIVE AUTHORITY AND ADMINISTRATION

The program is authorized by the Water Bank Act (Public Law 91-559 (84 Stat. 1468, 16 U.S.C. 1301)) approved by Congress on December 19, 1970.

Farmer-elected Agricultural Stabilization and Conservation county committees administer the program. Planning and technical services are provided by the Soil Conservation Service.

SCOPE OF PROGRAM

The Water Bank Program operates primarily in the northern part of the Central and Mississippi River flyways, which are the major migratory water

routes used by waterfowl. But the program also operates along other flyways in the states where the program is authorized.

PROGRAM PROVISIONS

The Water Bank Program on designated farm, ranch, or other wetlands applies to wetlands identified in a conservation plan developed in cooperation with the Soil and Water Conservation District in which the lands are located, and under terms and conditions set forth by the Secretary of Agriculture.

The term "wetlands" is defined in the Water Bank Act as meaning the inland fresh areas (types 1 through 5) described in Circular 39, Wetlands of the United States, published by the U.S. Department of the Interior. This definition includes artificially developed inland fresh areas which meet this description.

The five types include (1) seasonally flooded basins or flats; (2) fresh meadows; (3) shallow fresh marshes; (4) deep fresh marshes, and (5) open fresh water.

Land eligible for the program is limited to privately owned inland fresh wetland areas of types 3, 4, and 5 that, in the absence of participation in the program, a change in use could reasonably be expected which would destroy its wetland character.

Other privately owned land, including types 1 and 2 wetlands, which is adjacent to designated types 3, 4, or 5 wetlands may be designated upon determination by the county committee that this land is essential for the nesting and brooding of migratory waterfowl.

Eligible persons in selected areas having eligible wetlands in important migratory waterfowl nesting and breeding areas may enter into 10-year agreements, with provisions for renewal, and receive annual payments for the conservation of water and to meet other purposes of the Act.

PROGRAM PARTICIPATION

In entering into an agreement, the owner or operator shall agree:

1. not to drain, burn, fill or otherwise destroy the wetland character of areas placed under the agreement, nor to use such areas for agricultural purposes, as determined by the Secretary;
2. to carry out the wetland conservation and development plan for his land in accordance with the terms of the agreement;
3. not to adopt any practice specified by the Secretary as one that would tend to defeat the purposes of the agreement, and
4. to such additional provisions as the Secretary determines are desirable and included in the agreement to meet program purposes or to facilitate its administration.